

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 375 OF 2006

MITHUN PIRAPPA CHAVAN

...Applicant.

V/s

STATE OF MAHARASHTRA

...Respondent.

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None for the applicant

Ms. M.M. Deshmukh for the State.

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**CORAM: V.M. KANADE, J.**

**DATE: 3rd February, 2006**

P.C.:

1. None appears for the applicant.

2. Heard the learned APP for the State.

3. The applicant who is 19 years old boy was arrested on 27/10/2005 in connection with C.R. No.234 of 2005 which was registered with the Bijapur Naka Police Station for the offence punishable under section 376, 452 of the Indian Penal Code.

4. It is alleged that the brother of the prosecutrix entered the house and found that the applicant was committing sexual intercourse with his sister and, thereafter, her brother called the neighbours and then

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a complaint was filed against the present applicant. It is submitted by the learned APP for the State that the girl was a minor and was below 16 years of age.

The charge-sheet has been filed.

5. It is not the case of the prosecution that the girl has raised a hue and cry and further the statement of the complainant discloses that her brother suddenly entered the house.

6. Considering the peculiar facts of the case, I am of the view that the applicant is entitled to be released on bail. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to the Bijapur Naka Police station once in a month.

7. Application is accordingly disposed of.

**V.M. KANADE, J.**